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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/155,590	09/30/98	SCHLOM	J 2026-4230US1

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HM22/0613

EXAMINER

EWOLDT, G

ART UNIT	PAPER NUMBER
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1644

19

DATE MAILED:

06/13/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**



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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The amendment filed on 4/11/01 amending claim 34 and adding claim 69, drawn to a non-elected inventions, is non-responsive (MPEP § 821.03). The remaining claims are no longer readable on the elected invention. Applicant elected the adjuvant species RIBI Detox™ by phone, confirmed in Paper No. 13, filed 7/24/00. In claim 34 RIBI Detox™ has been removed and replaced by the adjuvant species "a liposome formulation." As RIBI Detox™ is not a liposome formulation, Applicant has improperly canceled the elected species. Further, in the remarks filed on 4/11/01 Applicant states, "Applicant's now elect incomplete Freund's adjuvant as the species of adjuvant." It is now unclear just what species of adjuvant Applicant regards as the elected invention. Regardless, the attempt to change the species of the elected invention after receiving a first action on the merits is improper.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Gerald Ewoldt whose telephone number is (703) 308-9805. The examiner can normally be reached Monday through Thursday from 7:30 am to 5:30 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

G.R. Ewoldt, Ph.D.  
Patent Examiner  
Technology Center 1600  
June 14, 2001



Patrick J. Nolan, Ph.D.  
Primary Examiner  
Technology Center 1600